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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,736	08/09/2000	Nizar Allibhoy	22925-701-7-US	5910

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EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,736

Applicant(s)

ALLIBHOY ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment filed April 11, 2006.
2. Claims 1-17 are pending in this application. Claims 1 and 10 are independent claims. In Amendment, claims 1-3, 7, 8, 10-14, 16, and 17 are amended. This Office Action is made final.

Response to Arguments

3. Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

- a. The applicant argues in page 7 fourth paragraph for claim 1 that the cited reference by Ellis et al. fails to disclose a trigger indicates the presence of enhanced content programming as cited in the claimed invention.

The examiner respectfully submits that the current claim language does not clearly define or require a particularly structure of trigger in television programming environment, but rather the claim discloses anything as trigger to indicates the presence of enhanced content programming. Based on the claim, anything is used to enhance or notified the presence of enhanced content programming would meet the claim feature. Therefore, the cited reference discloses the program guide data and other data features as a trigger to indicate the enhanced content programming. With the presence of the program guide data and other data service, the program will be enhanced either in sound or picture.

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b. The applicant argues in pages 7-8 last paragraph for claim 1 that there is no disclosure or suggestion that such television programming data is “embedded in one of plurality of enhanced content programming” as recited in claim 1.

The examiner respectfully submits that this argued feature is canceled in the current claim language. Therefore, this limitation is not considered by the examiner.

c. The applicant argues in page 8 first paragraph for claim 1 that the cited reference by Ellis et al. is different because the disclosed television programming data is not a trigger, and comes from a separate source and is not embedded in the programming from a local information.

As mentioned above, the current claim language does not clearly define or require a particularly structure of trigger in television programming environment, but rather the claim discloses anything as trigger to indicates the presence of enhanced content programming. Based on the claim, anything is used to enhance or notified the presence of enhanced content programming would meet the claim feature. In addition, the claim does not define where and how the trigger is come from and embedded in the programming.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., repeatedly feature “embedded in one of plurality of enhanced content programming”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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d. The applicant argues in page 8 last paragraph for claim 7 that the cited reference fails to disclose the use of triggers in content nor does it provide a framework over overriding the current programming with enhanced content programming, when such programming is immediately detected.

The examiner respectfully submits that the citation in column 14 lines 24-37 and column 17 lines 22-46 clearly define that once a setup is defined by the user, it will take affect immediately on the current programming with features setup by the user(s).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al.

(Hereafter, Ellis) U.S. Patent 6,898,762.

Regarding claims 1 and 10, Ellis Figures 22-24 discloses a method of enhancing the ability of a user to interact with a plurality of content providers coupled to a network, the plurality of content providers offering a plurality of enhanced content programming via the network, wherein said user interacts with the plurality of content providers via a receiver coupled to the network, the method comprising the steps of: receiving a trigger filter (e.g. expression) from the receiver, storing said trigger filter in a data base (e.g. user define the expression and

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transmit the expression to the server for storing; Figure 22; and col. 21 lines 60-64); detecting a trigger embedded in one of said plurality of enhanced content programming, wherein said trigger indicates the presence of said enhanced content programming and comparing said detected triggers with said trigger filter (e.g. server obtains program listing or videos from its own database or from the other facilities and comparing with the user expression to identify the matching; (col. 22 1st paragraph); identifying said enhanced content programming when said detected trigger filter in said comparison step and coupling said enhanced content programming to the receiver (e.g. after the server detects there is a match between the user expression and the program provided by the other facilities, then it may display the results on the user television equipment; col. 22 1st paragraph).

Regarding claims 2 and 17, Ellis further discloses trigger filter is based on information type (e.g. specific actor that the user wants to watch; Figures 9a-9b).

Regarding claims 3-5 and 11-12, Ellis further discloses transmitting a notification indicator each occurrence in which said detected trigger embedded in said enhanced content programming conforms to said trigger filter, and wherein the notification indicator is an audible signal, and on-screen graphic (col. 14 lines 24-37; and col. 17 lines 22-46).

Regarding claims 6, 13, and 15, Ellis further discloses selecting said notification indicator, said selecting step performed by the receiver (col. 14 lines 24-37).

Regarding claim 7, Ellis further discloses coupling step further comprising the steps of overriding current receiver programming and directing said enhanced content programming to the receiver immediately upon detection (col. 17 lines 37-46).

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Regarding claim 8, Ellis further discloses receiving a set of priorities corresponding to each trigger filter in a set of trigger filters, and storing said set of priorities in said data base, wherein said step of coupling is performed in accordance with said set of priorities (e.g. user can set the preference levels which the user want to watch; col. 15 lines 15-29 and col. 18 liens 17-23).

Regarding claim 9, Ellis further discloses monitoring each of a plurality of user transactions between the receiver and the plurality of content providers, extracting transaction information from at least a portion of said plurality of user transactions, storing said extracted transaction information in a data base controlled by a third party, and forming said set of trigger filters based on a combination of at least a portion of said extracted transaction information (col. 19 lines 11-65; and col. 20 liens 3-16).

Regarding claim 14, Ellis further discloses the step of receiving said trigger identifiers from a network operator (col. 4 lines 20-30).

Regarding claim 16, Ellis further discloses trigger identifiers correspond to the plurality of content providers (col. 4 lines 10-20).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

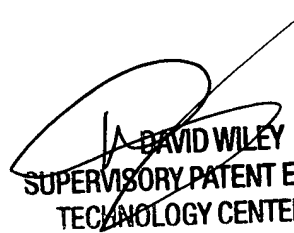
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Phuoc H Nguyen
Examiner
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June 21, 2006



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